



TRANSPORT WORKERS UNION

OF GREATER NEW YORK • AFL-CIO • LOCAL 100

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July 20, 2010

Mr. Lester A. Heitzer, Executive Secretary
National Labor Relations Board
1099 14th Street, NW
Washington, DC 20570

Re: Columbus Transit, LCC
Case No. 2-RC-23351

Filed Electronically

Dear Mr. Heltzer:

Pursuant to Section 102.67, Transport Workers Union of Greater New York, Local 100, AFL-CIO ("TWU Local 100"), by its counsel, respectfully requests an extension of time until August 6, 2010, to file its opposition to Columbus Transit's ("Employer") Motion to Vacate Board's Denial of D&DE and Supplement D&O and Reconsider Requests for Review ("Motion to Vacate") in the above-referenced matter.¹

TWU Local 100's Legal Department is understaffed at present, has a very heavy caseload, and is going through a series of transitions which make it difficult for us to file our response by July 22. Moreover, the Employer will not be prejudiced by the extension of time.

On July 14, Associate Chief Administrative law Judge Joel P. Biblowitz issued an Order that severed Case Number 2-CA-39337 from Case Numbers 2-CA-39193 and 2-RC-23351 (appended). On July 16, Regional Direction Celeste J. Mattina issued an order postponing indefinitely the hearing on Case Numbers 2-RC-23351 and Case No. 2-CA-39193, originally

¹ All dates take place in 2010 unless otherwise noted.

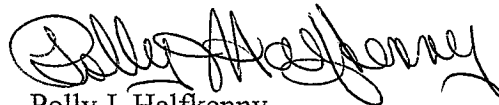


scheduled for July 19 (appended hereto). The Region is in the process of rescheduling the hearing on these cases, which likely will take place in August.

The Employer may argue that TWU Local 100's request for extension of time is untimely. The Board should reject this argument. On July 1, 2010, the NLRB outlined its plans for handling returned cases following the Supreme Court's decision in *New Process Steel, LP v. NLRB*, 506 U.S. ____ (2010). Until that time there was no procedure for filing a motion to vacate the denials or to contest the two-person Board's decisions. On July 12, Counsel for the Employer filed the Motion to Vacate in light of *New Process Steel, LP v. NLRB*, which was received by TWU Local 100 on July 13.² Section 102.65(e) and Section 102.67(b) provide that a request for rehearing or hearing *de novo* or request for review be filed within 14 days after service of the decision or report. Based on the Board's July 1 notice, the last day for filing the Motion to Vacate is July 15 and the deadline for filing an opposition to such Motion is July 22. Therefore, the Union's request for extension of time to file its opposition is timely.

Wherefore, TWU Local 100 respectfully requests that the Board grant its request for extension of time until August 6 to file an opposition to the Employer's Motion to Vacate.

Respectfully submitted,



Polly J. Halfkenny
Staff Attorney

Attachments

² The Motion received by the Union did not contain a certificate of service.

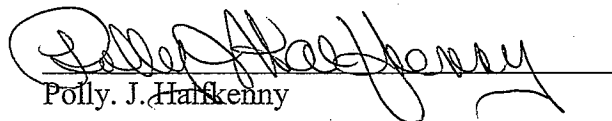
Certificate of Service

The undersigned hereby certifies that the foregoing request for extension of time was filed electronically and served electronically and by facsimile on July 20, 2010 on the following:

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